

2008 MAY 15 P 1:13

STATE OF HAWAII

DEPARTMENT OF THE ATTORNEY GENERAL

MARK J. BENNETT
ATTORNEY GENERAL,

Petitioner,

vs.

LISA J. MILLER, DBA LJM
PRODUCTIONS

Respondent.

Docket No. 2008-2

CONSENT AGREEMENT AND ORDER

CONSENT AGREEMENT

The Attorney General of the State of Hawaii and Lisa J. Miller, dba LJM Productions stipulate as follows in settlement of the above captioned case.

1. This matter is before the Attorney General pursuant to the chapter 467B, Hawaii Revised Statutes, Hawaii's Charitable Solicitation Law.

2. Respondent is a registered professional solicitor in the State of Hawaii who does business as a sole proprietor under the name LJM Productions.

3. By letter dated April 23, 2008, the Attorney General suspended the Respondent's registration for alleged violations of chapter 467B, Hawaii Revised Statutes.

4. On April 29, 2008, the Respondent filed a timely appeal of this administrative action pursuant to section 467B-9.7(c), Hawaii Revised Statutes.

STIPULATED FACTS

5. Respondent admits the following allegations are true:

a. Respondent's business address is 1157 South King Street # 204 Honolulu, Hawaii.

b. Respondent has contracts with the following charitable organizations to solicit funds from the public: Children's Cancer Assistance Network, Disabled Firefighters Foundation, Regular American Veterans and the Sylvester Foundation.

c. Respondent solicited funds through telemarketing for the above referenced charitable organizations and in doing so, independently contracted with three individuals who were not registered solicitors with the State of Hawaii and did not have surety bonds on file with the Attorney General.

d. During the course of soliciting funds for the above-referenced charitable organizations, the Respondent sent donor confirmation letters that did not contain the Respondent's legal name, business address and phone number.

AGREED VIOLATIONS

6. Respondent agrees that by engaging in the aforementioned activities, Respondent violated section 467B-1.5

and 467B-9(i), Hawaii Revised Statutes, which provide as follows:

- (i) No person shall aid, abet, or otherwise permit any persons to solicit contributions from persons in the State unless the person soliciting contributions has complied with the requirements of this chapter.

§467B-1.5 Professional solicitors; required disclosures. A professional solicitor who makes an oral solicitation by telephone, door-to-door, or otherwise shall furnish to each contributor, prior to collecting or attempting to collect any contribution, a written confirmation of the expected contribution, containing the following information clearly and conspicuously:

- (1) The full legal name, address, and telephone number of the individual professional solicitor who directly communicated with the contributor; and
- (2) A disclosure that the contribution is not tax deductible, if applicable, or, if the professional solicitor maintains that the contribution is tax-deductible in whole or in part, the portion of the contribution that the professional solicitor maintains is tax-deductible.

PROPOSED ORDER

7. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter.

a. Based on the above-referenced facts, the Attorney General finds that Respondent violated sections 467B-1.5 and 467B-9(i), Hawaii Revised Statutes.

b. Respondent agrees to pay an administrative penalty under section 467B-9.7, Hawaii Revised Statutes in the amount of \$2,500, together with court reporter costs of \$220.16. The sum

\$2,720.16 shall be paid in three installments, the first of which shall be paid within seven days of the entry of an Order approving this Consent Decree, the second installment on or before thirty days after the first installment and the third and final installment on or before forty-five days after the second installment payment. The payments shall be made payable to the Hawaii Director of Finance.

c. Respondent's registration as a professional solicitor shall be placed on probationary status for a period of forty-five days upon execution of an order approving this Consent Decree.

8. This case shall be deemed settled and discontinued upon the Attorney General issuing an Order adopting this Consent Decree and the Respondent's successful completion of any ordered discipline. However, nothing in this Consent Decree shall prevent the Attorney General from enforcing charges or imposing discipline or corrective measures for violations or facts not contained in this Consent Decree and Order.

ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING

9. The Respondent waives the right to a contested case hearing in this matter.

AGREEMENT NOT BINDING ON OTHER PARTIES

10. This Consent Decree is between the Attorney General and the Respondent and does not bind any other agency of the State of Hawaii.

ENTIRE AGREEMENT

11. This Consent Decree contains the whole agreement between the parties; provided however that the captions printed in this agreement are for ease of reading only and are not a part of this agreement. There are no other terms, obligations, covenants, representations, statements, or conditions or otherwise of any kind whatsoever concerning this agreement.

AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES


12. The parties acknowledge that all other federal and state agencies may have jurisdiction over the activities of, representations made by Respondent. Nothing in this Consent Decree shall preclude the Attorney General from making a referral of information or data produced as a result of this matter to any federal or state agency.

VERIFICATION OF FACTS AND STATEMENTS

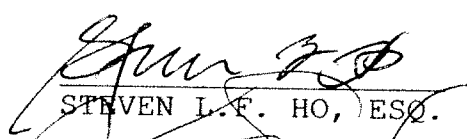
13. Respondent verifies that the facts and statement set forth in this Consent Decree are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements made in this Consent Decree are made subject to section 710-1062, Hawaii Revised Statutes, relating to unsworn falsification to authorities. Respondent further acknowledges that she has been represented by counsel in this matter by Steve L.F. Ho, Esq.

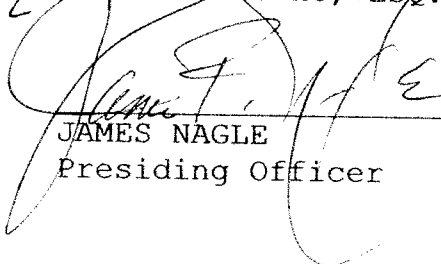
DATED: Honolulu, Hawaii May 10, 2008.


LISA J. MILLER
dba LJM Productions


HUGH R. JONES
Supervising Deputy Attorney General
State of Hawaii

APPROVED AS FORM


STEVEN L.F. HO, ESQ.


JAMES NAGLE
Presiding Officer

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ORDER

ORDER

The terms of paragraph 7 of the foregoing Consent Decree are hereby adopted and incorporated by as the Order of the Attorney General in resolution of this matter. This Order shall take effect immediately.

DATED: Honolulu, Hawaii

MAY 15 2008



MARK J. BENNETT
Attorney General